

HR CLINIC

September 30, 2019

## **A Sneak Peek into Human Resources, 2020**

It is hard to believe that tomorrow is October 1! Where has 2019 gone? Before you know it, the holidays will be upon us. That makes “now” the perfect time to start preparing for new laws that will take effect in January of 2020. And, by preparing, we mean a company should ensure they are knowledgeable of all federal, state and local laws that will affect them. It may mean updating policies and procedures, or even the company’s Employee Handbook so its employees are also made aware of legal changes that will affect their employment. Below we outline some of the laws that will go into effect.

There has been a lot of news lately about the Department of Labor announcing the final rule to raise the “standard salary level” for employees (exempt from the overtime pay requirements) to \$684 per week or \$35,568 per year. This rule goes into effect on January 1, 2020. More information on the final overtime rule can be found on the DOL website at <https://www.dol.gov/newsroom/releases/whd/whd20190924>.

It is important to remember that there is legislation being passed at both the state and local level, employers must ensure they are aware of those laws with which they must comply. Some state and local trends include mandatory Paid Time Off (PTO) laws, Paid Family and Medical Leave, as well as other miscellaneous leave provisions.

Many states and municipalities have opted to implement their own Family and Medical Leave laws to provide equal or greater protection to their employees than what is provided under federal law. States are following the lead of others that already have such laws in place (New York, New Jersey, Rhode Island and California).

California has expanded its Family and Medical leave to allow employees to take eight weeks of leave under the law (an increase from six). This goes into effect July 1, 2020. The District of Columbia will allow employees (who spend more than 50% of their work time working for a covered employer within the District of Columbia) to use up to eight weeks of paid leave under the law beginning July 1, 2020. Employees in the state of Washington will have access to 7 consecutive days of Paid Family Leave.

Connecticut and Oregon have recently passed Family & Medical Leave legislation; however, the provisions will not go into effect until 2021 and 2022, respectively. Employee benefits under the Paid Family and Medical Leave law in Massachusetts will become available in 2021.

Keep in mind that the employers to whom the laws above pertain vary, as do the rules that determine whether an employee is qualified to take leave under the law. Additionally, the reasons for which an employee may take leave under the laws can also vary. Detailed information on the law and its provisions can typically be found on the state's labor website. Keep in mind that these laws will generally apply based upon an employee's workplace geography rather than where they reside.

Another trend to watch is the Paid Time Off requirement for employees in certain states. The law in Nevada goes into effect on January 1, 2020, while Bernalillo County, New Mexico will require employees be provided with Paid Time Off (PTO) beginning July 1, 2020. Maine employers will also be required to provide PTO to their employees, but not until January 1, 2021.

Many states and municipalities will adjust the minimum wages paid to non-exempt employees at the beginning of the year.

California, as usual, has many labor laws that will go into effect in 2020. One new law goes into effect December 31, 2019 and requires that Corporate Boards have a female member. On January 1, 2020, the Consumer Privacy Act will be enacted in California. Certain employers in the California hospitality industry will be required to provide Human Trafficking Awareness training. In California, it will be illegal to discriminate against an employee based on his or her hairstyle.

In 2020, New Jersey will begin enforcing a law that restricts salary history inquiries, and another that requires hotel employers to provide panic devices to any employee who will be required to work in a guest room without another employee present.

Illinois is also enacting several new laws beginning January 1, 2020. Single-occupancy restrooms in a public building, or where a public accommodation is required, will be obligated to identify the restroom as gender-neutral. Illinois has also expanded and clarified the School Visitation Rights Act. Additionally, Illinois has implemented a 30-day withholding threshold for nonresidents of the state.

On March 13, 2020 a new Cincinnati, Ohio law will restrict salary history enquiries. Toledo, Ohio, begins enforcing the same restrictions June 25, 2020.

Massachusetts is decreasing the retail worker overtime rate to one and three-tenths beginning January 1, 2020.

In Philadelphia, Pennsylvania a new scheduling ordinance takes effect January 1, 2020, requiring predictable work schedules for employees in certain industries.

Oregon is raising the creditor garnishment withholding limits on January 1, 2020.

Nevada will enact several laws on January 1, 2020, in addition to the requirement to provide paid time off as noted above. There will be another law restricting microchip implantation, as well as one more that requires certain health benefits for lower minimum wage. Nevada employers will also entertain a new law that prohibits an employer from denying employment to a prospective employee based on a drug test coming back positive for marijuana. And finally, a new Mini-WARN law goes into effect for call centers.

Oklahoma will adopt the IRS' 20-factor test for independent contractors under unemployment insurance law on January 1, 2020.

Tennessee will also adopt the IRS' 20-factor test for independent contractors on January 1, 2020. The State is also adopting a law restricting the use of mobile devices while driving and amending unemployment insurance laws that will apply to seasonal employees.

Rhode Island has made amendments to the paid sick leave accrual and usage rates effective January 1, 2020. In addition, an amended law governing electronic deposit requirements and penalties goes into effect. Rhode Island is also introducing a non-compete law.

Virginia is expanding pay statement requirements in the new year, effective January 1, 2020.

In addition to the paid family leave benefits noted for Washington, a new non-compete law takes effect as well as a law requiring larger hospitality employers to provide sexual harassment and assault prevention training. These laws all require compliance as of January 1, 2020.

As is typical, employment laws change often and it is very important for employers to stay up to date on those that may affect them. For the latest information, visit State Legislative Updates on the homepage of the myHRWS Portal [www.myhrws.com](http://www.myhrws.com). Or, if you have specific questions, reach out to your designated advisory team at [support@hrworkplaceservices](mailto:support@hrworkplaceservices) or 866-691-7757.